IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 935 of 2005 (S/S)

Abdul Hameed
S/o Sri Abdul Latif
R/o Sultanpur Patti Mohalla Netanagar
District Udham Singh Nagar … Petitioner

Versus

1. State of Uttaranchal through
   Education Secretary, Dehradun
2. Joint Director of Education
   Kumaon Mandal, Nainital … Respondents

Sri Khalil Ahmad, learned counsel for the petitioner
Sri N.B. Shah, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 30.06.2005 annexure No. 2 to the petition) passed by the respondent No. 2 i.e. Joint Director of Education, Kumaon Mandal, Nainital.

Brief facts giving rise to this petition are that the petitioner is presently working in Government Inter College at Sultanpur Patti, District Udham Singh.

The petitioner has been transferred from Government Inter College, Sultanpur, District Udham Singh Nagar to Rajkiya Madhyamik, Dui, Block Dari, District Nainital vide order dated 30.06.2005 passed by the respondent No. 2 i.e. Joint Director of Education, Kumaon Division Nainital.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has submitted before the Court that he is suffering from heard disease and his wife is suffering from

paralysis. The petitioner further submitted that he is about 56 years of age, who will retire after four years.

Learned counsel for the petitioner has further invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 and also submitted that these Rules have been ignored in the case of the petitioner.

At this stage, I do not find any force in the argument advanced by the learned counsel for the petitioner.

Accordingly, the writ petition is disposed of finally.

However, it is open for the petitioner to move representation before the respondent No. 2 within a period of 15 days along with certified copy of the judgment and the respondent No. 2 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 30 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

13.07.2005
ASWAL